

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/699,362	HIROTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P Colaianni	1731	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 12, 2003.
2. ☒ The allowed claim(s) is/are 21,22 and 24-38.
3. ☒ The drawings filed on 12 May 2003 and 31 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. ____.  |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. ____.               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Lesmes on July 14, 2003.

The application has been amended as follows:

Replace claim 21 with the following claim:

--21. An apparatus for manufacturing an optical element comprising:

an upper mold and a lower mold capable of being separated and approaching each other, each of the upper mold and the lower mold comprising a forming surface,

a regulator for regulating the upper mold and the lower mold to align the axes thereof wherein the regulator regulates the upper mold and the lower mold by direct contact with the upper mold and the lower mold,

a forcible releasing means for releasing the optical element adhered to a forming surface by contacting at least a rim portion of the optical element, and

a moving means for moving the forcible releasing means relative to the upper mold or the lower mold such that, in the course of the separation of the upper mold and the lower mold, the forcible releasing means contacts at least a rim portion of the optical element to release the optical element from the forming surface.—

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Cancel claim 23

Claim 24, line 1, change "23" to -21—

Claim 26, line 1, change "23 to -21--

Claim 26, line 2, change "molded article" to -optical element—

Claim 28, line 3, change "molded article" to -optical element—

Claim 32, line 2, change "m" to -- $\mu$ m—

Claim 33, line 6, change "a molded article" to -said optical element—

Claim 33, line 8, change "molded article," to -optical element, and—

Claim 33, line 11, after "step" insert -wherein the regulator regulates the upper mold and the lower mold by direct contact with the upper mold and the lower mold—

Claim 33, line 12, change "unit" to -step—

Claim 33, line 13, change "molded article" to -optical element—

Claim 33, line 14, change "molded article" to -optical element—

Claim 35, line 2, change "molded article" to -optical element--

Claim 36, line 4, change "molded article" to -optical element—

The following is an examiner's statement of reasons for allowance: none of the prior art taught or fairly suggested an apparatus for making optical elements having the combination of claimed structural elements claimed in claim 21 including a regulator that regulates the upper mold and lower mold by direct contact with the upper mold and lower mold.

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Also, none of the prior art taught or fairly suggested a method of making optical elements having the combination of steps recited in claim 33, including a step wherein the axes of upper mold and the lower mold are regulated by a regulator in the press molding step wherein the regulator regulates the the upper mold and lower mold by direct contact with the upper mold and lower mold.

The closest piece of prior art Hirota JP 11-49523 fails to teach a regulator that regulates the upper mold and lower mold by direct contact with the upper mold and lower mold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Thursday and alternate Fridays from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in black ink, appearing to read "Michael P. Colaianni". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P Colaianni  
Primary Examiner  
Art Unit 1731

MPC  
July 14, 2003

**MICHAEL COLAIANNI**  
**PRIMARY EXAMINER**